

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CHRISTIAN LEGAL SOCIETY CHAPTER
OF THE UNIVERSITY OF CALIFORNIA,
HASTINGS COLLEGE OF THE LAW a/k/a
HASTINGS CHRISTIAN FELLOWSHIP, a
student organization at University of
California, Hastings College of the Law,

Plaintiff,

vs.

MARY KAY KANE, *et al.*,

Defendants.

Civil Action No.: C 04 4484 JSW

Action Filed: October 22, 2004

RENEWED STIPULATION AND
~~PROPOSED~~ ORDER ON BRIEFING
SCHEDULE FOR CROSS-MOTIONS FOR
SUMMARY JUDGMENT

CHRISTIAN LEGAL SOCIETY CHAPTER
OF THE UNIVERSITY OF CALIFORNIA,
HASTINGS COLLEGE OF THE LAW a/k/a
HASTINGS CHRISTIAN FELLOWSHIP, a
student organization at University of
California, Hastings College of the Law,

Plaintiff,

vs.

HASTINGS OUTLAW, a registered student
organization at University of California,
Hastings College of the Law,

Defendant-Intervenor.

Judge: Hon. Jeffrey S. White

RENEWED STIPULATION AND ~~PROPOSED~~ ORDER ON BRIEFING
SCHEDULE FOR CROSS-MOTIONS FOR SUMMARY JUDGMENT

The parties to the above-entitled action stipulate to continue the current briefing scheduling for the upcoming cross-motions for summary judgment set for hearing on December 2, 2005, without effecting any change in the hearing date, as follows:

Plaintiff shall file and serve its motion for summary judgment by October 7, 2005.

1 Defendant Hastings and Defendant-Intervenor Outlaw shall file and serve their cross-
2 motions for summary judgment/oppositions to Plaintiff's motion by October 21, 2005.

3 Plaintiff shall file and serve its opposition to Defendants' cross-motions/reply by
4 November 4, 2005.

5 Defendant Hastings and Defendant-Intervenor Outlaw shall file and serve their replies by
6 November 18, 2005, fourteen days prior to the scheduled December 2, 2005 hearing.

7 In support of their stipulation, the parties show as follows:

8 1. On or about July 29, 2005, this Court entered an order granting Defendant-
9 Intervenor Outlaw's Motion to Intervene as a Party Defendant. The Court's order, however, was
10 not docketed and served upon the parties until August 1, 2005.

11 2. On or about August 4, 2005, Plaintiff filed a Motion to Extend Discovery Cutoff
12 and Continue the Current Briefing Schedule and Hearing Date on Parties' Cross-Motions for
13 Summary Judgment in order to provide Plaintiff with the additional time needed to take
14 discovery from Defendant-Intervenor Outlaw.

15 3. On or about Friday, August 5, 2005, this Court granted Plaintiff's motion and
16 thereby extended the discovery cut-off to September 15, 2005, in order to accommodate the
17 additional discovery.

18 4. The next Tuesday, August 9, 2005, Plaintiff served Defendant-Intervenor Outlaw
19 with written discovery requests and requested to depose the former Co-Chair of Defendant-
20 Intervenor Outlaw, Michael Flynn, on either September 13 or 14, 2005.

21 5. Plaintiff received written discovery responses from Defendant-Intervenor Outlaw
22 on or about September 9, 2005, and then deposed Mr. Flynn on September 13, 2005.

23 6. The discovery period in this case ended two days later on September 15, 2005.

24 7. Less than a week later, on September 21, 2005, Plaintiff's Counsel sent Counsel
25 for Defendant Hastings and Counsel for Defendant-Intervenor Outlaw fifty-two pages of
26 proposed stipulated facts.

27 8. The next day, September 22, 2005, Counsel for Defendant Hastings informed
28 Plaintiff's Counsel that they were concerned that the parties would be unable to review the

1 proposed stipulated facts and reach complete agreement upon a joint statement of undisputed
 2 facts in sufficient time before the September 30, 2005, due date for Plaintiff's Motion for
 3 Summary Judgment and supporting memorandum.

4 9. Due to an office move from August 30, 2005, through September 7, 2005,
 5 Plaintiff's Counsel's communications and network computer systems were down from August
 6 29, 2005, until September 19, 2005. The press of other business matters, including a week long
 7 business trip to Denver, Colorado, in early September to perform a document review for another
 8 matter, and the large amount of time and work required to review deposition transcripts and
 9 exhibits and actually prepare a sufficiently detailed set of stipulated facts, all contributed to
 10 Plaintiff's Counsel's inability to supply the proposed stipulated facts to Counsel for Defendant
 11 Hastings and Counsel for Defendant-Intervenor Outlaw any sooner.

12 10. The parties believe that with an additional week of time they will be able to agree
 13 upon a set of stipulated facts for the upcoming cross-motions for summary judgment. Moreover,
 14 the parties continue to believe that utilizing a set of stipulated facts is the clearest and most
 15 efficient way for the parties to present this case to the Court.

16 11. The parties note that under the requested one-week extension of the briefing
 17 schedule, the final reply briefs will be filed fourteen days prior to the scheduled December 2,
 18 2005, hearing, which is not affected by this stipulation.

19 12. The parties further note that their previous Stipulation and Proposed Order on
 20 Briefing Schedule for Cross-Motions for Summary Judgment was denied without prejudice by
 21 this Court for failure to demonstrate good cause for altering the briefing schedule. The parties
 22 believe the above-facts demonstrate the required good cause.

23 DATED: September 28th, 2005.

24 CENTER FOR LAW & RELIGIOUS FREEDOM

25 By: 
 26
 27 Timothy J. Tracey
 28

Attorney for Plaintiff

1 DATED: September 26, 2005.

2 HOWARD RICE NEMEROVSKI CANADY
3 FALK & RABKIN, A Professional Corporation

4
5 By: Ethan P. Schulman
6 Ethan P. Schulman

7 Attorney for Defendants

8 DATED: September __, 2005.

9 HELLER EHRMAN, LLP

10
11
12 By: _____
13 Christopher F. Stoll

14 Attorney for Defendant-Intervenor

15 IT IS SO ORDERED.

16
17 DATED: _____, 2005.

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19 _____
20 THE HONORABLE JEFFREY S. WHITE
21 UNITED STATES DISTRICT JUDGE
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28

1 DATED: September __, 2005.

2 HOWARD RICE NEMEROVSKI CANADY
3 FALK & RABKIN, A Professional Corporation

4
5 By: _____
6 Ethan P. Schulman

7 Attorney for Defendants

8 DATED: September 28, 2005.

9 HELLER EHRMAN LLP

10
11 By: 
12 Christopher F. Stoll

13
14 Attorney for Defendant-Intervenor

15 IT IS SO ORDERED.

16
17 DATED: September 29, 2005.

18
19 
20 THE HONORABLE JEFFREY S. WHITE
21 UNITED STATES DISTRICT JUDGE